

### REMARKS

Objection is made to Claim 4 because of informalities set forth in the Office Action. Claim 4 has been amended as suggested by the Examiner.

Claims 1-4 and 7 are rejected under 35 U.S.C. §112, second paragraph. Claims 1 and 7 are alleged to be incomplete for the reasons stated and have been amended to meet clarifications requested in the rejection. However, the Examiner appears to have misinterpreted the relationships (1) and (3), where he states that the omitted structural cooperative relationships are ... the structure of the stopper member "*permitting pivoting displacement of the at least one stopper member.*" From this remark, Applicants believe that the term to be qualified by the phrase "*permitting pivoting displacement of the at least one stopper member*" may be taken incorrectly, and that the Examiner appears to read these claims in the sense of "*the structure of the stopper member which permits pivoting displacement of the at least one stopper member.*" To be correct, however, the claims should be read in the sense of "*disengaging engagement ... which permits pivoting displacement of the at least one stopper member.*"

Claim 2 also is amended to further clarify the subject matter regarded as invention. No new matter is added. Support for the amendments can be found throughout the original specification and drawings.

Entry of the amendment is requested because this is the first opportunity for Applicants to respond to the new issues raised by the Examiner in this rejection.

Claims 1 and 7 are rejected under 35 U.S.C. §102(a) over prior art depicted by Applicant's FIGS. 21-25. Applicants strongly disagree.

As explained in the present application, at page 6, in the apparatus of FIGS. 21-25,

...when outer casing 1 is opened due to occurrence of a transport problem as shown in FIG. 23, originals 11 slide down original tray 10 under the force of their own weight and are displaced from original loading location(s). Furthermore, when outer casing 1 is opened, engagement finger 4a of stopper member 4, which is

raised up thereto in accompaniment to movement of outer casing 1, engages with engagement finger 9a of engagement piece 9, engagement piece 9 having been in its freed orientation.

[0023] With the apparatus in this state, closing outer casing 1 as indicated by the arrow at reference numeral 94 causes the problematic situation shown in FIG. 24 in which the bottom region of stopper member 4 abuts originals 11 during closing of that outer casing 1 and forces its way past originals 11.

The present invention overcomes this problem where the stopper member abuts the originals by providing means for movement of the stopper member to negate abutment on and forcing its way past the originals. As recited in the present claims, the transport apparatus of the present invention provides a lifting member supported by the outer casing and attached to the stopping member to permit the stopping member to move vertically in the outer casing when abutting a sheet and, thus, does not force its way past the originals.

Therefore, the presently claimed invention is not anticipated by the apparatus of FIGS. 21-25. Further, the present invention would not have been obvious to one of ordinary skill in the art in view of apparatus of FIGS. 21-25.

Claim 1 also is rejected under 35 U.S.C. §102(b) over Higaki (US Patent Publication No. 2002/20074711). Applicants strongly disagree. Higaki also fails to teach or suggest at least a lifting member supported by the outer casing and attached to the stopping member to permit the stopping member to move vertically in the outer casing when abutting a sheet and, thus, does not force its way past the originals, as claimed herein.

Claim 2 is rejected under 35 U.S.C. §103(a) over Higaki in view of Takisawa et al. (US Patent Publication No. 2002/0033572). Takisawa et al fails to make up for the deficiencies of Higaki. Takisawa et al. also fails to teach or suggest at least a lifting member supported by the outer casing and attached to the stopping member to permit the stopping member to move vertically in the outer casing when abutting a sheet and, thus, does not force its way past the originals, as claimed herein.

Further, contrary to the allegations of the Examiner, Takisawa et al. also fails to teach the claimed arm member. Takisawa discloses a stopper member that consists of an arm member pivotally mounted. However, claim 2 is directed to and recites an arm member located and pivotally supported at a first end within the outer casing member, to which the stopper member is pivotally secured. Takisawa fails to teach or suggest an arm member located and pivotally supported at a first end within the outer casing member, to which the stopper member is pivotally secured, as claimed herein.

Thus, it is not seen how the presently claimed invention would have been obvious to one of ordinary skill in the art in view of any combination of Higaki and Takisawa.

In view of the above discussion, applicant believes the pending application is in condition for allowance.

Dated: 27 Sept '06

Respectfully submitted,

By 

George W. Neuner

Registration No.: 26,964

EDWARDS ANGELL PALMER & DODGE  
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 517-5538

Attorneys/Agents For Applicant